

ILLINOIS COMMERCE COMMISSION 2008 AUG -8 P 1:21

1-800-Reconex, Inc., d/b/a U.S. Tel

CHIEF CLERK'S OFFICE

First Amended Application for Designation)
as an Eligible Telecommunications Carrier)
Pursuant to Section 214(e)(2) of the)
Telecommunications Act of 1996)

Docket No. 08-0466

**FIRST AMENDED APPLICATION OF 1-800-RECONEX, INC. FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN
THE STATE OF ILLINOIS**

1-800-Reconex, Inc., d/b/a U.S. Tel ("Reconex" or "Company"), by its undersigned counsel and pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act")¹, and the rules of the Federal Communications Commission ("FCC") 47 C.F.R. §54.201, hereby submits this First Amended Application for Designation ("Application") as an Eligible Telecommunications Carrier ("ETC") throughout its licensed service area in the State of Illinois. Reconex seeks designation as an ETC for the non-rural wire centers of AT&T Illinois ("AT&T"), an incumbent local exchange carrier ("ILEC"). Reconex seeks limited designation for low income support programs (Lifeline and Link Up) only and does not seek to participate in the High Cost support program. As demonstrated below, Reconex satisfies all of the statutory and regulatory requirements for designation as an ETC and Reconex's designation will serve the public interest. Accordingly, Reconex respectfully requests that Illinois Commerce Commission ("Commission") grant this Petition.

¹ 47 U.S.C. Section 214(e)(2)

I. BACKGROUND.

Reconex is a competitive local exchange carrier ("CLEC") headquartered in Hubbard, Oregon that offers local exchange and exchange access services to both residential and small business customers in thirty-five (35) jurisdictions, including the State of Illinois,² and is certified to provide local exchange and exchange access services in forty-five (45) jurisdictions. A copy of the Company's Articles of Incorporation are on file with the Commission and incorporated by reference.³

Reconex currently provides all services and functionalities supported by the federal universal service program set forth in Section 54.101(a) of the FCC rules throughout its service area in Illinois. Reconex will provide universal service to its consumer using a combination of unbundled network elements ("UNEs"), purchased in a wholesale arrangement with AT&T, and resale of AT&T's local exchange service pursuant to Section 251(c)(4) of the federal Act.⁴

Reconex seeks designation as a limited ETC for purposes of qualifying to receive federal universal service support in the non-rural service area of the incumbent carrier, AT&T, for the low income Lifeline and Link Up programs only.

² Docket No. 97-0388 (11/19/97) and Docket No. 02-0375 (8/7/02)

³ *Id.*

⁴ Section 54.201 of the FCC's Rules states, "[f]or the purposes of this section, the term 'own facilities' includes, but is not limited to, facilities obtained as unbundled network elements pursuant to part 51 of this chapter, provided that such facilities meet the definition of the term 'facilities' under this subpart. 47 C.F.R. Section 54.201(f). The term 'facilities' under Section 54.201 is defined as 'any physical components of the telecommunication network that are used in the transmission or routing of the services that are designated for support pursuant to subpart B of this part. 47 C.F.R. Section 54.201(e). Reconex's use of AT&T's UNEs meets this definition of 'facilities'."

II. RECONEX SATISFIES ALL OF THE REQUIREMENTS FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER.

Pursuant to Section 214(e)(2) of the Act, a State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) [Section 214(e)(1) of the Act] as an eligible telecommunications carrier for a service area designated by the State commission.⁵ A “common carrier” under the Act means, “...any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to this Act...”.⁶ Reconex is a common carrier as defined by the above language.

The requirements of Section 214(e)(1) are that the common carrier must:

- (A) offer the services that are supported by Federal universal service support mechanisms under section 254(c) of this title, either using its own facilities or a combination of its own facilities and resale of another carrier’s services (including the services offered by another eligible telecommunications carrier); and
- (B) advertise the availability of such services and the charges therefore using media of general distribution.⁷

The “supported services” are listed in 47 C.F.R. Section 54.101(a). Reconex satisfies each of the elements required for ETC designation pursuant to Section 214(e) of the Act.

⁵ 47 U.S.C Section 214(e)(2)

⁶ 47 U.S.C. Section 153(10)

⁷ 47 U.S.C. Section 214(e)(1)

A. Reconex Provides the Core Services Required to Qualify for Low Income Federal Universal Service Support.

Reconex currently provides all of the services and functionalities supported by the federal universal service program, as set forth in Section 214 of the Act and Section 54.101(a) of the FCC's rules, throughout the AT&T area in Illinois, the area for which it seeks designation. Attached as Exhibit A is the Affidavit of David R. Griffie, President of Reconex, certifying that the Company satisfies all the requirements for designation as an ETC to serve the Designated Area.

The FCC has identified the following services and functionalities as the core services to be offered by an ETC and supported by federal universal service support mechanisms:⁸

1. Voice-grade access to the public switched telephone network;
2. Local usage;
3. Dual-tone, multi-frequency ("DTMF") signaling, or its functional equivalent;
4. Single-party service or its functional equivalent;
5. Access to emergency services;
6. Access to operator services;
7. Access to interexchange services;
8. Access to directory assistance, and
9. Toll limitation for qualifying low-income consumers.

⁸ 47 C.F.R. Section 54.101(a)(1-9).

For purposes of ETC applications, carriers must provide each of the supported services, or where it's appropriate, its functional equivalent.⁹ As shown below, Reconex currently provides each of the required services and functionalities throughout the area for which it seeks designation.

1. Voice-Grade Access To The Public Switched Network.

"Voice-grade access" is defined as a functionality that enables a user of telecommunication services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal there is an incoming call. The bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz. Reconex meets this requirement by providing voice-grade access to the public switched telephone network. Through its interconnection arrangements with AT&T, each of Reconex's customers are able to make and receive calls on the public switched telephone network within the specified bandwidth.

2. Local Usage.

"Local Usage" means an amount of minutes of use of exchange service prescribed by the FCC, provided free of charge to end-users. ETCs must include local usage beyond providing simple access to the public switched network as part of a universal service offering. Reconex includes unlimited local usage in each of its local service rate plans, and thereby complies with the requirement that all ETCs offer local usage.

⁹ See 47 C.F.R. Section 54.101.

3. Dual-Tone Multi-Frequency (“DTMF”) Signaling, or its Functional Equivalent.

“DTMF” is a method of signaling that facilitates the transportation of call set-up and call detail information. Reconex provides DTMF signaling consistent with the rules.

4. Single-Party Service or Its Functional Equivalent.

“Single-party service” is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed, or, in the case of wireless telecommunication carriers, which use spectrum shared among users to provide service, a dedicated message path for the length of the user’s particular transmission. Reconex meets the requirement by providing single-party service throughout its service area.

5. Access to Emergency Services.

“Access to emergency services” includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations. 911 is defined as a service that permits a telecommunications user, by dialing the three-digit code “911”, to call emergency services through a Public Service Access Point (PSAP) operated by the local government. “Enhanced 911” is defined as 911 service that includes the ability to provide automatic numbering information (ANI), which enable the PSAP to call back if the call is disconnected, and automatic location information (ALI), which permits emergency service providers to identify the geographic location of the calling party. “Access to emergency services” includes access to 911 and enhanced 911

services to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems. Reconex currently provides its subscribers with access to 911 and enhanced 911 emergency services in accord with this requirement, and consistent with FCC regulations throughout the service area for which designation is sought.

6. Access to Operator Services.

"Access to operator services" is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call. Reconex offers its customers access to operator services, including customer service and call completion.

7. Access to Interexchange Service.

"Access to interexchange service" is defined as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network. An ETC must offer consumers access to interexchange service to make and receive toll or interexchange calls. Reconex meets this requirement by providing its customers with the ability to make such calls.

8. Access to Directory Assistance.

"Access to directory assistance" is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information

contained in directory listings. Reconex meets this requirement by providing its customers with access to directory assistance by dialing "411" or "555-1212".

9. Toll Limitation for Qualifying Low-Income Consumers.

"Toll limitation" denotes either toll blocking or toll control for eligible telecommunications carriers that are incapable of providing both services. For eligible telecommunications carriers that are capable of providing both services, "toll limitation" denotes both toll blocking and toll control.¹⁰

- (a) Toll blocking. "Toll blocking" is a service provided by carriers that lets consumers elect not to allow the completion of outgoing toll calls from their telecommunications channel.¹¹
- (b) Toll control. "Toll control" is a service provided by carriers that allows consumers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.¹²

Reconex currently has the technology to provide toll limitation, currently provides it to its customers, and will utilize this technology to provide such functionality at no additional charge to Lifeline customers.

¹⁰ 47 C.F.R. Section 54.400(d)

¹¹ 47 C.F.R. Section 54.400(c)

¹² 47 C.F.R. Section 54.400(b)

B. Reconex Offers Supported Services Over Its Own Facilities.

A carrier requesting designation must certify that it offers the supported services "either using its own facilities or a combination of its own facilities and resale of another carrier's services."¹³ Reconex will provide universal service to its consumer using a combination of unbundled network elements ("UNEs"), purchased in a wholesale arrangement with AT&T, and resale of AT&T's local exchange service pursuant to Section 251(c)(4) of the federal Act.¹⁴ Reconex is willing and able to serve all customers throughout the area for which it has requested designation.

C. Reconex Will Advertise Its Universal Service Offering.

Reconex will advertise the availability of the supported services and the corresponding charges in a manner that informs the general public within the designated area of both the services available and the corresponding charges.¹⁵ Reconex advertises its wireline services through several different media of general distribution throughout the service area for which designation is requested. While Reconex's primary method of advertising is via television, other methods including direct mail, newspapers, periodicals, and customer bill inserts, will be utilized to advertise its universal service offerings throughout the service area designated by the Commission.

¹³ 47 U.S.C. Section 214(e)(1)(A)

¹⁴ Section 54.201 of the FCC's Rules states, "[f]or the purposes of this section, the term 'own facilities' includes, but is not limited to, facilities obtained as unbundled network elements pursuant to part 51 of this chapter, provided that such facilities meet the definition of the term 'facilities' under this subpart. 47 C.F.R. Section 54.201(f). The term "facilities" under Section 54.201 is defined as "any physical components of the telecommunication network that are used in the transmission or routing of the services that are designated for support pursuant to subpart B of this part. 47 C.F.R. Section 54.201(e). Reconex's use of AT&T's UNEs meets this definition of "facilities".

¹⁵ 47 C.F.R. Section 54.201(d)(2); 47 U.S.C. Section 214(e)(1)(B).

III. RECONEX REQUESTS DESIGNATION THROUGHOUT THE AT&T SERVICE AREA IN ILLINOIS.

Reconex requests ETC designation for the entire AT&T service area in Illinois as represented by the list of wire centers on Exhibit B. Pursuant to the Act, a "service area", is a "geographic area established by a state commission for the purpose of determining universal service obligations and support mechanisms."¹⁶

Reconex is not applying for designation as an ETC in an area served by a rural telephone company or in any rural area served by AT&T.

IV. GRANTING THIS PETITION WILL SERVE THE PUBLIC INTEREST.

The Commission should find that designating Reconex as an ETC would serve the public interest. Designation of Reconex, as an ETC will benefit Illinois consumers by enhancing Reconex's ability to construct and improve network facilities, which will facilitate competition by placing Reconex on a more level playing field with the incumbent local exchange carriers.

In addition, designating Reconex as an ETC will bring the further benefits of competition of increased choices at competitive prices. In a competitive market, consumers will be able to choose the services that best meet their communication needs. With a choice of service providers, the consumer is able to select a provider based on service quality, service availability, and rates.

Finally, Reconex will advertise telecommunication services as an ETC in the AT&T territory in Illinois and will publicize the availability of Lifeline and Link Up services in a manner reasonably designed to reach those likely to qualify for those

¹⁶ 47 C.F.R. Section 54.207(a).

services. Accordingly, more low-income Illinois residents will be made aware of the opportunities afforded to them under the Lifeline and Link Up programs and will be take advantage of those opportunities by subscribing to the Reconex service. And to the extent that additional low income customers avail themselves of the service this will result in increased access to emergency services for the public overall.

CONCLUSION

Based upon the foregoing, Reconex respectfully request that the Commission designate Reconex as a competitive federal ETC for the limited purpose of receiving federal universal service support for the low income programs Lifeline and Link Up, effective as of the date of the Commission's order.

Dated: August 6, 2008

Respectfully submitted,

1-800-Reconex, Inc., d/b/a U.S. Tel

By:  _____

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VERIFICATION

STATE OF OREGON §
COUNTY OF MARION §

1. My name is William E. Braun. I am Vice-President & General Counsel of the Applicant 1-800-Reconex, Inc., d/b/a U.S. Tel.

2 I swear or affirm that I have personal knowledge of the facts stated in this First Amended Application, that I am competent to testify to them, and that I have the authority to make this Application on behalf of 1-800-Reconex, Inc.. I further swear or affirm that all of the statements and/or representations made in this Application are true and correct.



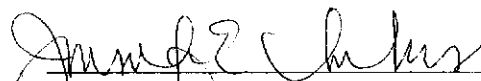
Signature of Affiant/Responsible Party

William E. Braun

1-800-Reconex, Inc., d/b/a U.S. Tel

SWORN TO AND SUBSCRIBED TO BEFORE ME on the 10 day of
AUGUST, 2008.





Notary Public in and for the
State of OREGON

My Commission Expires: SEPTEMBER 12, 2009